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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-12-00495 SBA
)	
Plaintiff,)	
	)	STIPULATED REQUEST TO CONTINUE
v.	)	HEARING DATE TO OCTOBER 31, 2012
	)	AND TO EXCLUDE TIME UNDER THE
MARCEL J. ALLEY, et al.,	)	SPEEDY TRIAL ACT
)	
Defendants.	)	Date: September 28, 2012
	)	Time: 9:30 a.m.
	)	Court: Hon. Donna M. Ryu

The above-captioned matter is set on September 28, 2012 before this Court for a status hearing. The parties request that the Court continue the hearing to October 31, 2012 at 9:30 a.m. The parties further request that the Court exclude time under the Speedy Trial Act between September 28, 2012 and October 31, 2012 in light of (1) the need for defense counsel to review discovery produced by the United States, to discuss the evidence with their respective clients, and to investigate this matter, and (2) defense counsels' other scheduled case commitments during that time period.

The remaining ten defendants, along with 21 co-defendants, were charged in a 28-count indictment with (1) conspiracy to possess with the intent to distribute and to distribute heroin and cocaine, in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(B)(i),

1 and 841(b)(1)(C); (2) possession with intent to distribute, and distribution of, heroin and cocaine,
2 in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); and (3)
3 possession with intent to distribute, and distribution of, heroin and cocaine within 1,000 feet of a
4 school, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 860.
5 Since July 2012, thirteen defendants have agreed to plead guilty and have scheduled change of
6 plea and sentencing hearings. Eight defendants have not yet appeared in this case and one
7 defendant was dismissed from the case.

8 The United States has produced substantial discovery to defendants, including draft
9 linesheets from the wiretaps, recorded telephone calls from the wiretaps, recordings of controlled
10 purchases conducted by law enforcement, information regarding defendants' criminal histories
11 (including police reports related to prior arrests), and documents related to the authorization of
12 the wiretaps. Defense counsel need additional time to review the discovery that has been
13 produced, to discuss the evidence with their respective clients, and to investigate the matter.
14 Given these circumstances, the ends of justice served by excluding the period from September
15 28, 2012 to October 31, 2012 outweighs the best interest of the public and the defendants in a
16 speedy trial. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). Failure to grant the requested continuance

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would unreasonably deny defense counsel reasonable time necessary for effective preparation,
and would unreasonably deny defendants continuity of counsel, taking into account the exercise
of due diligence.

DATED: September 24, 2012

/s/
JAMES C. MANN
Assistant United States Attorney
Counsel for United States

/s/
ANGELA HANSEN
Counsel for Carles Lashuan Buie, II

/s/
JOHN JAMES JORDAN
Counsel for Juan Jesus Colon, Jr.

/s/
MICHAEL STEPANIAN
Counsel for Manuel Colon, Jr.

/s/
GAIL SHIFMAN
Counsel for Javance Cormier

/s/
MARTHA ANN BOERSCH
Counsel for Dana Ray Houston

/s/
RICHARD B. MAZER
Counsel for Erik Andre Miles

/s/
BRENDAN MICHAEL HICKEY
Counsel for Eric Baronne Moore

/s/
ROBERT WAGGENER
Counsel for Adrian Dewayne Walker

/s/
SUZANNE M. MORRIS
Counsel for Lenzy Jerome Wash

/s/
GARRICK SHERMAN LEW
Counsel for James Hampton Worthington,
Jr.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-12-00495 SBA
)	
Plaintiff,)	
	)	ORDER GRANTING STIPULATED
v.	)	REQUEST TO CONTINUE HEARING DATE
	)	TO OCTOBER 31, 2012 AND TO EXCLUDE
MARCEL J. ALLEY, et al.,	)	TIME UNDER THE SPEEDY TRIAL ACT
)	
Defendants.	)	Date: September 28, 2012
	)	Time: 9:30 a.m.
	)	Court: Hon. Donna M. Ryu
_____)	

The parties jointly requested that the status hearing in this matter be continued from September 28, 2012 to October 31, 2012, and that time be excluded under the Speedy Trial Act between those dates to allow for the effective preparation of counsel, taking into account the exercise of due diligence, and continuity of defense counsel.

The remaining ten defendants, along with 21 co-defendants, were charged in a 28-count indictment with (1) conspiracy to possess with the intent to distribute and to distribute heroin and cocaine, in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(B)(i),

1 and 841(b)(1)(C); (2) possession with intent to distribute, and distribution of, heroin and cocaine,
2 in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); and (3)
3 possession with intent to distribute, and distribution of, heroin and cocaine within 1,000 feet of a
4 school, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 860.
5 Since July 2012, thirteen defendants have agreed to plead guilty and have scheduled change of
6 plea and sentencing hearings. Eight defendants have not yet appeared in this case and one
7 defendant was dismissed from the case.

8 The United States has produced substantial discovery to defendants, including draft
9 linesheets from the wiretaps, recorded telephone calls from the wiretaps, recordings of controlled
10 purchases conducted by law enforcement, information regarding defendants' criminal histories
11 (including police reports related to prior arrests), and documents related to the authorization of
12 the wiretaps. Defense counsel need additional time to review the discovery that has been
13 produced, to discuss the evidence with their respective clients, and to investigate the matter.

14 The parties agree to an exclusion of time pursuant to the Speedy Trial Act (18 U.S.C. §
15 3161) from September 28, 2012 to October 31, 2012, in light of (1) the need for defense counsel
16 to review discovery produced by the United States, to discuss the evidence with their respective
17 clients, and to investigate this matter, and (2) defense counsels' other scheduled case
18 commitments during that time period. The extension is not sought for delay. The parties agree
19 the ends of justice served by granting the continuance outweigh the best interest of the public
20 and the defendants in a speedy trial. For these stated reasons, the Court finds that the ends of
21 justice served by granting the continuance outweigh the best interest of the public and the
22 defendants in a speedy trial. Good cause appearing therefor, and pursuant to 18 U.S.C. §§
23 3161(h)(7)(A) and (B)(iv),

24 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from
25 September 28, 2012 to October 31, 2012 at 9:30 a.m. before this Court, and that time between

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1 September 28, 2012 and October 31, 2012 is excluded under the Speedy Trial Act to allow for
2 the effective preparation of counsel, taking into account the exercise of due diligence, and
3 continuity of defense counsel.

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6 DATED: September 24, 2012



HON. DONNA M. RYU
United States Magistrate Judge